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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92057778
Party	Defendant Green Dot Corporation
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Date	11/09/2015
Attachments	Notice of Final Determination in Related Proceeding.pdf(63727 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

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FLUSHING BANK,

Petitioner,

v.

GREEN DOT CORPORATION,

Registrant.

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Proceeding No.: 92057778

Mark: GOBANK and Design

Registration No.: 4,355,615

**NOTICE OF FINAL DETERMINATION IN RELATED FEDERAL PROCEEDING AND  
REQUEST TO DISMISS THIS BOARD PROCEEDING WITH PREJUDICE**

In response to the Board's March 24, 2015 Order, Registrant Green Dot Corporation hereby informs the Board with Petitioner's consent that the federal proceeding that occasioned the suspension of this Board proceeding has been resolved. Attached as Exhibit 1 is the Final Judgment in *Flushing Bank v. Green Dot Corporation and Green Dot Bank* (S.D.N.Y.; Case No. 13 Civ. 9120).

In this Final Judgment, the court ordered the Board as follows: "The U.S. Trademark Trial and Appeal Board is ordered to dismiss with prejudice the pending cancellation action No. 92057778 captioned *Flushing Bank v. Green Dot Corporation* that has been suspended pending disposition of this civil action, in which Flushing Bank has sought cancellation of Green Dot Corporation's registration for the GoBank logo (Reg. No. 4,355,615)." See ¶ 6 on page 2.

In accordance with this Final Judgment, **the Board is respectfully requested to dismiss with prejudice any and all claims and counterclaims asserted in this Proceeding Number 92057778.**

Dated: November 9, 2015  
New York, New York

/s/Adam Siegartel  
Adam Siegartel  
PROSKAUER ROSE LLP  
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New York, New York 10036  
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*Attorneys for Registrant  
Green Dot Corporation*

# **EXHIBIT 1**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

FLUSHING BANK,

Plaintiff and Counterdefendant,

v.

GREEN DOT CORPORATION and  
GREEN DOT BANK,

Defendants and Counterclaimants.



USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: OCT 20 2015

Case No. 13-cv-9120 (KBF) (AJP)

~~PROPOSED~~ FINAL JUDGMENT

KATHERINE B. FORREST, District Judge:

In accordance with the Court's October 5, 2015 Opinion and Order in this matter (Dkt. 133), and after full consideration of the materials that the parties submitted during the Trial on the Papers, it is hereby ORDERED, ADJUDGED, and DECREED pursuant to Fed. R. Civ. P. 54 as follows:

1. Plaintiff and Counterdefendant Flushing Bank's Amended Complaint dated February 28, 2014 (Dkt. 28) is dismissed with prejudice in its entirety and judgment is entered for Defendants and Counterclaimants Green Dot Corporation and Green Dot Bank (collectively, "Green Dot") on all claims in that Amended Complaint.
2. Green Dot's use and registration of the GOBANK word mark (including but not limited to the "GoBank" spelling) do not infringe or violate any federal, state, or common law rights that Flushing Bank has in the IGOBANKING word mark or logo (, and there is no likelihood of confusion among these trademarks.
3. Green Dot's use and registration of the GoBank logo () do not infringe or violate any federal, state, or common law rights that Flushing Bank has in the IGOBANKING word mark or logo, and there is no likelihood of confusion among these trademarks.

4. Green Dot's Counterclaims dated January 31, 2014 (Dkt. 14) are dismissed with prejudice in their entirety and judgment is entered for Flushing Bank on all claims in those Counterclaims.

5. Flushing Bank did not commit fraud on the United States Patent and Trademark Office in obtaining or maintaining its IGOBANKING word marks or logo (Reg. No. 3,321,369, Reg. No. 3,321,366, Reg. No. 3,419,009).

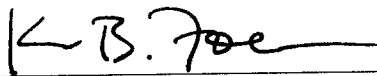
6. The U.S. Trademark Trial and Appeal Board is ordered to dismiss with prejudice the pending cancellation action No. 92057778 captioned Flushing Bank v. Green Dot Corporation that has been suspended pending disposition of this civil action, in which Flushing Bank has sought cancellation of Green Dot Corporation's registration for the GoBank logo (Reg. No. 4,355,615).

7. No party is responsible to any other party for attorneys' fees in connection with this matter.

SO ORDERED.

Dated: New York, New York

10/20, 2015

  
KATHERINE B. FORREST  
United States District Judge

**CERTIFICATE OF SERVICE**

The undersigned does hereby certify that on November 9, 2015, a true and correct copy of the foregoing **NOTICE OF FINAL DETERMINATION IN RELATED FEDERAL PROCEEDING AND REQUEST TO DISMISS THIS BOARD PROCEEDING WITH PREJUDICE** was served by first class mail on Petitioner's counsel as follows:

Jennifer McLaughlin  
Ariel E. Ronneburger  
CULLEN & DYKMAN LLP  
100 Quentin Roosevelt Boulevard  
Garden City, NY 11530

Date: November 9, 2015

/Yuming Pan/  
Yuming Pan